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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

MICHELE LOUISE MCKENNA, L.P.N.
RESPONDENT.

ORDER OF SUMMARY SUSPENSION

99 NUR 279

The Petition for Summary Suspension in the above entitled matter came on for hearing before the Board of Nursing on the 6TH day of January, 2000, at 2:35 P.M., having been noticed for 2:15 P.M. in the Notice of Presentation of Petition for Summary Suspension dated December 21, 1999.

Attorney James W. Harris appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. The Respondent did not appear.

The Wisconsin Board of Nursing having considered the sworn Petition for Summary Suspension and the affidavits of service hereby makes the following:

FINDINGS OF FACT

1. The Respondent, Michele Louise McKenna (D.O.B. 10/13/67) is duly licensed as a licensed practical nurse in the State of Wisconsin (license # 031 31232) which license was first granted April 17, 1992.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 5207 W. Arrowhead Road, Hermantown, MN 55811.
3. Respondent was convicted in the St. Louis County, Minnesota District Court in case KO-98-600206 on May 20, 1998, of a felony, procuring a controlled substance by fraud.
4. The state of Minnesota Board of Nursing suspended the license of Respondent to practice practical nursing by Order dated April 7, 1999. The suspension was based upon the following facts:
 - a. Respondent was terminated from employment as a practical nurse at St. Mary's Medical Center, Duluth, Minnesota in 1995 as a result of theft of drugs, falsification of federal narcotic records, and patient billing discrepancies;
 - b. Respondent was terminated from employment as a practical nurse at Cloquet Community memorial Hospital on July 18, 1997, as a result of potentially placing residents at risk by falsification of the narcotic audit record and failure to report compromised narcotic packaging;
 - c. Respondent entered the Minnesota Health Professionals Services Program for chemical abuse on January 31, 1996. While in the program Respondent consumed alcohol, and also had two positive drug screens for narcotics. On April 21, 1998, Respondent was discharged from the program for dishonest and inaccurate reporting as well as for the criminal charges set forth in paragraph 3, herein.
 - d. Respondent admitted to the unlicensed practice of nursing in Minnesota from November, 1997 through March, 1998.
 - e. On August 20, 1998, Respondent engaged in nursing care of a four year old developmentally delayed child while having consumed alcohol.

5. The Memorial Medical Center, Ashland, Wisconsin, reported that on September 25, 1999, some time after 6 A.M., five 75 mg. syringes of Demerol were taken from a locked medication cart. During the A.M. report, Respondent asked nurse N for keys to the medication cart but Nurse N refused. Respondent reportedly left the report room a little after 7 A.M. and requested keys to the medication cart from nurse M, who gave the keys to the Respondent. Respondent was

observed at the medication cart and also was observed looking through the medication administration record. Immediately thereafter Respondent entered the bathroom where she stayed for ten minutes. Respondent then returned to the report room and gave the medication cart keys to nurse N. Respondent was not assigned patients at that time and was not observed caring for any patient. Respondent was observed to be acting disoriented during the remainder of her duty shift. Respondent refused an interview and drug screen requested by local police, and did not return to the work place.

6. The Ashland Health and Rehabilitation Center reported that between November 12 and November 17, 1999, the morphine sulphate for patient MI and patient TM had been tampered

with. Respondent had access to the patient medications during the time frame. Respondent failed to show up for a scheduled duty shift on November 19th or thereafter, and was terminated from employment at the Ashland Health and Rehabilitation Center on November 29, 1999.

7. Upon information and belief, Respondent is still practicing as a practical nurse.

8. The evidence presented and considered by the Board of Nursing as a basis for this Summary Suspension Order is the sworn Petition for Summary Suspension and the affidavits of service dated December 21, 1999.

CONCLUSIONS OF LAW

9. The Wisconsin Board of Nursing has jurisdiction in this matter pursuant to sec. 441.07(1) Wis. Stats.

10. The Wisconsin Board of Nursing has authority to summarily suspend a license to practice nursing pursuant to sec. 227.51(3) Wis. Stats. and ch. RL 6 Wis. Adm. Code.

11. Respondent has been provided notice of this proceeding as required by sec. RL 6.05 Wis. Adm. Code.

12. Respondent's conduct as set forth in the Petition for Summary Suspension constitutes violations of sec. 441.07(1)(b), (c) and (d) Wis. Stats. and sec. N 7.03(1)(a), (b) and (c) and N 7.04(1), (2), (6), (7) and (15) Wis. Adm. Code. Respondent's continuing, intentional violation of the controlled substance laws, and her engaging in the practice of nursing when unable to do so with reasonable care and safety imperatively necessitates the immediate suspension of Respondent's license to practice as a licensed practical nurse in the state of Wisconsin to protect the public health, safety and welfare.

ORDER

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NOW THEREFORE, IT IS HEREBY ORDERED:

1. The license of Michele Louise McKenna to practice as a licensed practical nurse in the state of Wisconsin is summarily suspended, effective immediately.

2. This Order shall continue in effect until the effective date of a final decision and order in the disciplinary proceeding against the Respondent, unless otherwise ordered by the licensing authority.

3. Respondent is notified of her right pursuant to sec. RL 6.09 Wis. Adm. Code to request a hearing to show cause why this summary suspension Order should not be continued. Any request for a hearing to show cause should be filed with the Wisconsin Board of Nursing, P.O. Box 8935, 1400 East Washington Avenue, Madison, Wisconsin, 53708-8935. In the event that a hearing to show cause is requested, it shall be scheduled on a date within 20 days of receipt by the licensing authority of the request for hearing, unless a later time is agreed to or requested by the Respondent.

Dated at Madison, Wisconsin this 7th day of January, 2000.

Ann Brewer, RN

A Member Of The Board.